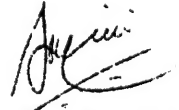


**महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
बृहन्मुंबई विकास नियंत्रण नियमावलीत कलम ३७(२) नुसार
मजूर करावयाचा फेरबदलाची अधिसूचना.**

**महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांक: टिपीसी-४३०३/१३/प्र.क्र.२४९/२००३/नवि-११
मंत्रालय, मुंबई : ४०० ०३२, दिनांक: ४ सप्टेंबर, २००६**

शासन निर्णय:- याबत जोडलेले अधिसूचना महाराष्ट्र शासनाच्या असाधारण राजपत्रात
प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(सु. रा. किणी)

अवर सचिव, महाराष्ट्र शासन.

प्रति,

आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.

महानगर आयुक्त, मुंबई महानगर प्रदेश विकास प्राधिकरण, वांद्रे (पूर्व), मुंबई-५१.

प्रधान सचिव (क्रिडा), सामाजिक न्याय व क्रिडा विभाग, मंत्रालय, मुंबई-३२.

प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.

संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.

व्यवस्थापक, शासकीय मध्यवर्ती मंत्रालय, पार्सी रोड, मुंबई.

(यांना पिनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे असाधारण
राजपत्रात भाग-२ मध्ये प्रसिध्द करण्यात येणाऱ्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग,
(नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, इन्स्टाटुमेंट, आज्ञार
मैदान, मुंबई-१ यांना पाठविण्यात याव्यात.)

कक्ष अधिकारी (संगणक कक्ष) (नवि-२१), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(यांना पिनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित
करण्याबाबत आवश्यक ती कार्यवाही करावी.)

निवडनस्ती (नवि-११).

संक्षेप ३७ फाईल.

**Maharashtra Regional and Town
Planning Act, 1966.**

**Sanction to the Modification for
Development Control
Regulation under section 37(2).**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department
Mantralaya, Mumbai 400 032.**

Dated :- 8th September, 2006.

NOTIFICATION

No. TPB-4303/13/CR-249/2003/UD-11:

Whereas, the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") have been sanctioned by Government under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act"), vide Urban Development Department's Notification No. DCR/1090/UD-11 (RDP) dated 20/2/1991, to come into force with effect from 25/3/1991;

Whereas, in 2001 Government has announced "Maharashtra State Sports Policy 2001", with a view to initiate development in the Sports activities. Government has taken a decision to grant free of FSI for the fitness centre in the residential buildings for the residents.

And whereas, Government has issued directives to allow fitness centre free of FSI in residential building under section 37(1) of the said Act to all the Planning Authorities vide the order of even No. dated 17/6/2004 (hereinafter referred to as "the said order")

And whereas, the Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") failed to publish a notice regarding the above modification in the official gazette within the stipulated period of 60 days from the date of said order as stipulated under section 37 of the said Act (hereinafter referred to as "the said modification").

And whereas, it appeared necessary for the Government to publish the requisite notice for inviting objections/suggestions from public upon the said modification, as provided under section 37(1A) of the said Act;

And whereas, in exercise of the powers vested in it under sub-section (1A) of section 37 of the said Act, Government has issued notice on 19/3/2005 (hereinafter referred to as "the said notice"), thereby inviting suggestions/objections from any person with respect to the said modifications and the said notice which appeared in the Maharashtra Government Gazette on 12/5/2005 and was also published in news papers namely 1) Navakal (Marathi) dated 1/4/2005 and 2) Asian Age (English) dated 1/5/2005;

And whereas, by way of the said notice, Government has also appointed the Deputy Director of Town Planning, Greater Mumbai as the officer (hereinafter referred to as the "said officer") to submit his report to Government after scrutinising and granting hearing to the suggestions/objections received regarding the said modification.

And whereas the said officer has submitted his report to Government on 13/10/2005;

And whereas, upon consideration of the report of the said officer and after consulting the Director of Town Planning, Maharashtra State, Pune, Government is of the opinion that the said modification should be sanctioned with some changes;

Now, therefore, in exercise of the powers conferred under section 37(2) of the said Act, the Government hereby -

- A) Sanctions the said modification more specifically described in the Schedule attached herewith -
- B) fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of this modification.
- C) directs the said Corporation that, in the Schedule of Modification sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added.

By order and in the name of the Governor of Maharashtra,



(S.R. Kini)

Under Secretary to Government.

Note:- This notification is also published on government web site @ www.urban.maharashtra.gov.in

SCHEDULE

(Accompaniment to Urban Development Department's Notification No. TPB 4303/12/CR-249/03/UD-11 dated 8th September, 2006)

(I) Following definition shall be added after sub-clause (100) of Regulation 2.

(101) Fitness centre in a building means and includes the built up premises including toilet facilities provided in the building including gymnasium for the benefit of its inmates and for the purpose of fitness, physical exercises, yoga and such other activities as may be permitted by the Corporation from time to time.

((II) Following new sub-clause (v) shall be added after sub-clause (u) of Regulation 35(2) pertaining to exclusion from FSI computation of the Development Control Regulation for Gr. Mumbai 1991.

(v) Area of one fitness centre for a Co-op. Housing Society or Apartment Owners Association as provided in sub-regulation 38(32)

(III) Following new sub-clause 32 shall be added after sub-clause (31) of regulation 38 pertaining to requirement of part of buildings of the Development Control Regulation for Gr. Mumbai 1991.

(32) In every residential building, either existing or constructed or proposed to be constructed for the use of a existing or proposed Co-operative Housing Society or an Apartment Owners Association, a fitness centre including toilet facilities will be permitted subject to following conditions:

- (i) The application for the proposed fitness centre shall be made by the Registered Cooperative Housing Society/Apartment Owners Association of the building which are given occupation certificate/ BCC.
- (ii) The area of such centre shall be allowed Free of FSI equivalent to 2(two) percent of the total built up area for every building subject to the condition that, it shall not be less than 20 sq.mt. and more than 200 sq.mt. per building Any additional built up area in excess of this limit would be considered by counting in FSI.
- (iii) The centre shall not be used for any purpose other than for fitness centre activities.
- (iv) The fitness centre activities shall be confined for to the members of the concerned housing society or an Apartment Owners Association only.
- (v) The benefits of this provision shall be applicable prospectively and it shall not be extended for the purpose of regularisation of already built up structures constructed without permission.
- (vi) The ownership of the premises of the Fitness Centre shall vest only with the concerned society or the apartment owners association as the case may be.

- (vii) In the case of larger layout where there is existing/proposed Gymnasium in layout RG under Regulation 23 of this regulation, then the fitness centre in the individual building shall not be permissible.
- (viii) The location of proposed fitness centre shall be necessarily within the building line and preferably same shall not be on ground floor.



(S.R. Kini)

Under Secretary to Government.